



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerhard SIEMEISTER et al.

Examiner: ANGELL, Jon E.

Serial No.: 10/796,174

Group Art Unit: 1635

Filed: March 10, 2004

Title: **COMBINATIONS AND COMPOSITIONS WHICH INTERFERE WITH VEGF/
VEGF AND ANGIOPOIETIN/TIE RECEPTOR FUNCTION AND THEIR USE (II)**

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated April 20, 2006, Applicants hereby elect with traverse Group I (claims 1-7 and 9-11) and further elect compounds (b) and (c) from the list of *small molecular weight substances* [subgroup (i)] that *inhibit or interfere with VEGF/VEGF and/or receptor systems* [Sub-group A]. See, pages 3-5 of the open Office Action.

The Examiner is urged to withdraw the restriction requirement/election. A search of all the claims would comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, it is respectfully submitted that the restriction be withdrawn.

Although it is believed that a restriction/election is not proper at all in the subject application as discussed above, Applicants submit that Group III (claim 22, drawn to a method of using a pharmaceutical composition) should be examined with elected Group

I. These Groups both require the claimed pharmaceutical composition of the elected group.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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